

**Washington County Land Use Authority Meeting
April 08, 2014**

The Washington County Land Use Authority Meeting was held Tuesday, April 08, 2014 in the Council Chambers of the Washington County Administration Building located at 197 E. Tabernacle, St. George, UT. The meeting was convened by Chairman Doug Wilson at 1:30 p.m. He led the Pledge of Allegiance, after which, he explained meeting protocol.

Commissioners present: JoAnn Balen, Deborah Christopher, Dave Everett, Rick Jones, and Mike Stucki.

Excused: Kim Ford.

Staff present: Scott Messel, Planning & Zoning Administrator; Jodie Borgeson, Deputy Attorney; Kurt Gardner, Building Official; Todd Edwards, County Engineer; Doreen Bowers-Irons, Planning Secretary; Kim Hafen, County Clerk; Denny Drake, County Commissioner.

I. ELECTION OF PLANNING COMMISSION CHAIR.

Chairman Wilson asked for nominations for the Planning Commission Chair.

MOTION: Commissioner Stucki MOVED to reappoint Doug Wilson as Planning Commission Chair for 2014. Commissioner Christopher SECONDED. Chairman Wilson called for discussion on the motion. There being none he called for a vote. The motion carried with all five (5) Commissioners voting in favor.

MOTION: Commissioner Stucki MOVED to retain Kim Ford as Planning Commission Chair Pro Tem for 2014. Commissioner Everett SECONDED. Chairman Wilson called for discussion on the motion. There being none he called for a vote. The motion carried with all five (5) Commissioners voting in favor.

Chairman Wilson agreed to continue as the Planning Commission Chair for 2014 and thanked the commissioners for the confidence they had in him.

Chairman Wilson declared that he would need to leave at 2:00 p.m. and at that time would turn the meeting over to Commissioner Stucki to act as Chair Pro Tem.

II. CONDITIONAL USE FOR SPECIAL EVENTS. Review of Special Events for “Rockwell Relay” from Moab to St. George Bluff Street Park to be held on June 14, 2014; County wide. Applicant: Redrock Relay Inc./Steve & Anita Stewart.

Mr. Messel reported Rockwell Relay Inc. is planning for this year’s 525 mile road cycling race. There will be approximately 150 teams. Each team will be comprised of 4 cyclists. Each racer will ride 3 legs of the course. The average of each leg is 44 miles. The race starts in Moab and enters Washington County during Leg 11, which leaves Cedar City on SR-56 through Newcastle; turning left at UT-18 and ends in Enterprise. Leg 12 leaves Enterprise on SR-18 going south to St. George. When cyclists arrive in St. George, there will be a course marshal at the intersection of Bluff Street and Snow Canyon Blvd. to direct cyclist’s to the bike path. The cyclist will then proceed along Diagonal Street to 600 North. The finish line is located on the northeast section of Bluff Street Park. The route has been modified from past years; with the finish at Bluff Street Park rather than Vernon Worthen Park. More information is available on the race website www.rockwellrelay.com.

Recommendation:

Staff has reviewed and recommends that the Planning Commission approve the conditional use for special events for the 2014 "Rockwell Relay" based on the following findings:

1. The event meets the applicable items on the Special Events checklist.
2. The event has been approved in past years.
3. The event meets the applicable Washington County Code.
4. The event is an economic benefit to Washington County.
5. The event seems well organized.

The commission asked questions regarding the location of the exchanges; the road closures, which there will be none; the chase vehicles and the possibility of impeding traffic; riders along SR-18; and if there had been any complaints. Mr. Messel indicated there had been no complaints for this event. He informed the commission of the "Race Bible" that the race directors make sure the teams receive and follow.

Anita Stewart showed the commission a copy of the "Race Bible" stating it provides all of the rules and information regarding the race. She gave a short presentation on the race and the rules the participants must abide by. She stated each team has support vehicles that have been instructed to not impede traffic. Usually, those vehicles are not with the rider. They transport the other team members and equipment to the next location. She reported they have permits from U.D.O.T. For safety and other issues the end of the race was changed to the Bluff Street Park. Therefore, the riders would not be winding through St. George streets. There is more parking at this location and they have been working with Lonnie Sullivan, Encroachment Officer, of St. George City to ensure they have adequate signage and barricades along 700 North.

Chairman Wilson then called for a motion.

Motion: Commissioner Stucki **MOVED** to approve the Conditional Use Special Events Permit for "Rockwell Relay" to be held on June 14, 2014; County wide. Applicant: Rockwell Relay Inc./Steve & Anita Stewart for one year based on the following findings:

1. The event meets the applicable items on the Special Events checklist.
2. The event has been approved in past years.
3. The event meets the applicable Washington County Code.
4. The event is an economical benefit to Washington County.
5. The event seems well organized.

Commissioner Christopher **SECONDED**. Chairman Wilson called for a discussion on the motion. Commissioner Everett clarified the findings were included with the motion. Commissioner Stucki and Christopher agreed. The motion carried with all five (5) Commissioners voting in favor.

III. CONDITIONAL USE PERMIT FOR PUBLIC UTILITY. Review of a Conditional Use Permit to reroute utility power lines affected by the construction of the Southern Parkway and realignment of Washington Dam Road. The parcels are zoned A-20 (Agricultural 20 acre minimum lot size). Applicant: Dixie Power/Russell Condie.

Mr. Messel stated several months ago, the Planning Commission reviewed the road dedication plat for the realignment of Washington Dam Road, Turf Sod Road, and Warner Valley Road. The realignment

was due to the construction of the Southern Parkway. With these changes, Dixie Power needs to run new utility power lines. Public Utilities are a conditional use.

Recommendation:

Staff has reviewed and recommends that the Planning Commission approve the conditional use permit for a Public Utility based on the following findings:

1. A Public Utility is a conditional use in the A-20 (Agricultural 20 acre minimum lot size) zone.
2. The conditional use was properly noticed.
3. The request meets the applicable Washington County Codes.

Russell Condie representing Dixie Power explained the line colors on the site map that was submitted. The red represents the single pole line, which accommodates the existing lines that were installed in the 1960's. The yellow line represents the transmission lines that were built in the late 1980's. The purple line represents the alignment of two separate lines that were removed at the start of construction on the Southern Parkway last spring. Since that time, our lines have been out of service and we have been back feeding off of Rocky Mountain Power's system. We are anxious to get back up and running and return to normal service. We have done some adjustments and alignments three or four times to accommodate the county's and private land owner's needs with the poles we have in stock. We would appreciate the commission's consideration for this request so that we can move forward. He asked if there were any questions.

Chairman Wilson commented that he is familiar with the negotiations between Dixie Power and the Water Conservancy District and the Conservancy District are happy with the project.

Mr. Condie stated they have worked closely with the Iverson's on the northwest end to accommodate their current and future needs and for the location of lines on their property.

Commissioner Stucki asked if the poles would accommodate any future line upgrades. Mr. Condie stated the poles will have additional attached conductors for future service from Hurricane to the Atkinville station near the border.

A few additional upgrade and technical questions were asked and answered after which, Chairman Wilson called for a motion.

MOTION: Commissioner Christopher MOVED to approve the conditional use permit to reroute utility power lines affected by the construction of the Southern Parkway and realignment of Washington Dam Road. The parcels are zoned A-20 (Agricultural 20 acre minimum lot size). Applicant: Dixie Power/Russell Condie based on the following findings:

- 1. A Public Utility is a conditional use in the A-20 (Agricultural 20 acre minimum lot size) zone.**
- 2. The conditional use was properly noticed.**
- 3. The request meets applicable Washington County Codes.**

Conditions:

- 1. The easements needed to be cleaned up and signed.**

Commissioner Balen SECONDED. Chairman Wilson called for discussion on the motion. There being none he called for a vote. The motion carried with all five (5) Commissioners voting in favor.

Chairman Wilson turned the meeting over to Commissioner Stucki and left at 1:55 p.m.

IV. PUBLIC HEARING/ZONE CHANGE REQUEST. The request is to rezone Parcel 7177-G-NW from A-10 (Agricultural 10 acre minimum lot size) to RA-1 (Residential Agricultural 1 acre minimum lot size). The parcel is 8.5 acres of land located on Veyo Resort Road in Veyo. Applicant: Alina Smith.

Mr. Messel stated the applicant, Alina Smith, is requesting to rezone Parcel 7177-G-NW from A-10 (Agricultural 10 acre minimum lot size) to RA-1 (Residential Agricultural 1 acre minimum lot size). The applicant wishes to build a home on the property, but the 8.5 acre parcel does not meet the minimum 10 acre lot size requirement for the existing zone. The RA-1 zone is requested because a majority of the developed land in Veyo is zoned RA-1 and a Single Family Dwelling is a permitted use in the RA-1 zone. There are limited numbers of available septic permits in the area. Washington County Water Conservancy District requires 8 acres per septic permit; so only one dwelling would be permitted on the subject parcel. This parcel is shown as Residential on the General Plan. Public notice was mailed to property owners within 500' of the subject parcel as required by code. Staff has received an email opposing the zone change, which was provided to the commission.

Recommendations:

The Planning Commission can recommend approval based on the following findings:

1. The proposed zone change meets the intent of the general plan and general plan land use areas map.
2. A significant amount of the developed land in the Veyo area is zoned RA-1 (Residential Agricultural 1 acre minimum).
3. The requested RA-1 zone is appropriate for the subject parcel.
4. The zone change was properly noticed.

Commissioner Everett asked if a home was on the property now. Mr. Messel stated there is not. The applicant wants build one but with the current zoning, she cannot meet the acreage requirement.

Mr. Messel stated staff has received numerous e-mails and letters in opposition of the rezone, which were provided to the commissioners to review. Commissioner Balen stated she also had some letters expressing opposition.

MOTION: Chairman Pro Tem Stucki called for a motion to open the Public Hearing. Commissioner Everett MOVED to open the Public Hearing. Commissioner Christopher SECONDED. Motion carried with all four (4) Commissioners voting in favor.

Vicki Morris introduced herself and Sandra Stahl who were speaking as individuals and as representatives of a company. They believe the zoning should remain an agricultural zone. They are opposed to having several lots with the potential for eight homes. There are not enough utilities to support that many lots and they were concerned with the limited water supply. They would not oppose a larger rezone for the property so the applicant could build one home on the property but were opposed to eight.

Commissioner Everett asked them where their properties were located. They pointed out the location of their properties in proximity to the subject property.

Commissioner Balen stated she would like to speak as a nearby property owner. She indicated she had letters from property owners around the subject property. Chair Pro Tem Stucki stated she would need to give a full disclosure. Ms. Borgeson advised her to declare a potential conflict and then she could speak.

JoAnn Balen stated she has property contiguous to the subject property and has concerns. Those concerns are limited water supplies and available septic permits. The property owners around the property also have those concerns. The area has been an agricultural zone for ever. In addition, the properties were purchased for the rural atmosphere and the surrounding property owners do not want a potential 8-lot subdivision. She asked if a variance could be granted for the home to be built on the 8.5 acres; or if a different lower density zone could be used instead. She explained the zoning of Veyo and the natural division of the lower density properties compared to the town area. She provided the letters from the surrounding property owners.

Chairman Pro Tem Stucki asked Ms. Balen if the property owners were opposed to the size of the zone. Ms. Balen answered yes. They are opposed to the one acre lots. They are not opposed to the use of the property to build one home on it they just do not want the possibility of more than one home on the property. They would be ok with granting a variance to Mrs. Smith or rezoning the property to an A-5 zoning designation to be able to build one home. They do not want a RA-1 zone designation with a future potential of eight homes there.

Mr. Messel stated other options would be to rezone the property to an A-5 zone or n RA-5 zone. Within the RA-5 zone, a single family home is a permitted use. However in the A-5 zone it would require a conditional use permit.

A discussion regarding the zoning and requirements and various potential zones that may apply to the subject property took place. It was reiterated that the surrounding property owners are not opposed to one home but are opposed to a potential of eight homes.

Alice Lee stated she was a little confused in that the property owner only wants to build one home on the property. She asked about the rezoning of the property being subdivided. She was told the owner is not requesting a subdivision but in order to build on the property the applicant would need to rezone the property and the RA-12 fit with the other parcels with in the town. Mrs. Lee stated she was opposed to the eight lots.

A discussion regarding the property and the rezoning occurred. It was discussed and decided an A-5 zoning would best fit the property and not an RA-1.

Commissioner Balen asked if the applicant had received a water share or septic permit. Staff had no knowledge if those items were obtained.

MOTION: Chairman Pro Tem Stucki called for a motion to close the Public Hearing. Commissioner Everett MOVED to close the Public Hearing. Commissioner Christopher SECONDED. Motion carried with all four (4) Commissioners voting in favor.

Commissioner Everett read the purpose of the agricultural zone from Title 10-7-1 of the County Code. He stated this is indicative of the intent of the applicant and the surrounding neighbors. Therefore, he would recommend the rezone be approved as an A-5. He suggested sending this back to Staff to speak with the applicant and determine if this is what she would like and then bring it back.

Mr. Messel stated the applicant just wants to build a home and it is his opinion the applicant would be happy with what zone the Commission would recommend for approval.

A short discussion over the zoning occurred.

MOTION: Commissioner Everett **MOVED** to recommend the County Commission approve the rezone request for parcel 7177-G-NW from A-10 (Agricultural 10 acre minimum lot size) to A-5 (Agricultural 5 acre minimum lot size). The parcel is 8.5 acres of land located on Veyo Resort Road in Veyo; Applicant: Alina Smith based on the following findings:

1. The proposed A-5 zone change meets the purpose of Title 10-7-1 of the County Code along with the General Plan and General Plan land use areas map.
2. The proposed A-5 zone change resolves the concerns of the surrounding property owners provided during the public hearing.
3. The A-5 zone meets the intent of the applicant's needs.
4. The requested A-5 zone is appropriate for the subject parcel.
5. By allowing only one home on the property, it is found to be in harmony with the surrounding agricultural area.
6. The zone change was properly noticed.

Commissioner Balen **SECONDED**. Chairman Pro Tem Stucki called for discussion on the motion. There being none he called for a vote. The motion carried with all four (4) Commissioners voting in favor.

V. STAFF DECISIONS. Decisions from the Land Use Authority Staff Meeting held on April 08, 2014.

Mr. Messel reported on the Land Use Authority Staff Meeting that was held on April 08, 2014. Staff reviewed and approved conditional use permits for an accessory dwelling in Veyo for Steve Streeter and an accessory building with bath for Lorine Hansen in New Harmony.

Staff discussed Brooks Pace's proposed water line, the Dixie Power conditional use permit, and the items on the planning commission agenda. They discussed and approved lot line adjustments for the Pettit Family cabin on Kolob to combine two parcels into one; and, Eric and Dee Wilson in Topaz Estates moving the lines between Lot 7 and 8.

Staff reviewed ordinance changes regarding recreation vehicles on property.

VI. MINUTES. Consider approval of the minutes of the regular planning commission meetings held on March 11, 2014.

The commission reviewed the March 11, 2014 minutes.

MOTION: Commissioner Everett **MOVED** to approve the minutes of the March 11, 2014 meeting as written. Commissioner Christopher **SECONDED**. Chairman Wilson called for discussion on the motion. There being none he called for a vote. The motion carried with all four (4) Commissioners voting in favor.

VII. COUNTY COMMISSION ACTION REVIEW. Review of action taken by the County Commission on planning items; County initiated.

There were no items to review.

VIII. COMMISSION & STAFF REPORTS. General reporting on various topics; County initiated.

- Review of proposed ordinance changes regarding Recreational Vehicles.

Steven Vincent with the County Attorneys Office reported he has been working with staff regarding Recreational Vehicles. He reviewed and explained the ordinance changes being considered that will come before the commission in the near future. The intent is to allow temporary RV use in some areas in conjunction with a building permit issuance and other zones such as the OST, OSC, AG, and Residential as a temporary use with a conditional use permit.

The commission and staff discussed the ordinance changes.

- Review of Accessory Dwellings and setback requirements.

Mr. Messel reported on some ordinance changes being reviewed regarding accessory dwellings and setbacks. Some of the changes being looked at are:

- ★ Allowed in Single Family zone (R-1-10, R-1-12) as Guesthouse on lots at least double the size regulated by district.
- ★ Not allowed in SFR, FR, OSC, RE-20, RE-40, RE-2.5, and RE-5.
- ★ RA zone Second Dwelling for hired had or seasonal laborer or member of owners family.
- ★ OST, A-5, A-10, A-20, A-40; Second Dwelling for hired had or seasonal laborer or member of owners family.
- ★ Several terms used: Guesthouse, Accessory Dwelling, Casita, Second Dwelling, Second dwelling for hired hand or seasonal laborer.

The commission and staff discussed the ordinance changes. They are looking for better definitions.

- Review of proposed ordinance changes regarding Special Events.

Mr. Vincent reported on the changes being looked at to be more flexible for Special Events. Some changes are for minor events from 1 to 500 participants and major events which would be more than 500 participants. The minor events would be approved by staff where the major events may be required to go before the planning commission. The conditions of use would be more flexible; a hold harmless agreement to ensure the county is held harmless in the event of a lawsuit; they are looking into road closure issues must have a special event permit.

The commission and staff discussed the ordinance changes.

Commissioner moved to adjourn the meeting at 3:06 p.m.

Doreen Bowers-Irons, Planning Secretary

Approved: 13 May 2014